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7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-632**

12 **ANUNCIO LUAREZ SULLA, JR.**  
13 **448 Boynton Avenue, Unit 210**  
14 **San Jose, CA 95117**  
15 **Registered Nurse License No. 704402**

**A C C U S A T I O N**

Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about June 7, 2007, the Board of Registered Nursing issued Registered Nurse  
23 License Number 704402 to Anuncio Luarez Sulla, Jr. (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on June 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct . . . .

. . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

. . . ?

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . .

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section,

1 or the possession of, or falsification of a record pertaining to, the substances described in  
2 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
3 thereof.

4 ...”

5 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
6 revoke a license on the ground that the licensee has been convicted of a crime substantially  
7 related to the qualifications, functions, or duties of the business or profession for which the  
8 license was issued.

9 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
11 licensee or to render a decision imposing discipline on the license.

12 9. Section 118, subdivision (b), of the Code provides that the expiration of a license  
13 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
14 within which the license may be renewed, restored, reissued, or reinstated.

15 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licensee found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

19 FIRST CAUSE FOR DISCIPLINE

20 (Criminal Conviction)

21 11. Respondent is subject to disciplinary action under sections 2761(f), 2762(c), and/or  
22 490 in that on or about January 5, 2010, in a criminal proceeding entitled *The People of the State*  
23 *of California v. Anuncio Luarez Sulla, Jr.*, in San Mateo County Superior Court, Case Number  
24 SM365560, Respondent was convicted by his plea of nolo contendere of violating Vehicle Code  
25 section 23152(b) (driving with blood alcohol level of .08% or above). Respondent was sentenced  
26 to probation for three years and ordered to pay fines in the amount of \$1,741.00. The  
27 circumstances of the conviction were that on or about August 13, 2009, Respondent was arrested  
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on US-101 near Marsh Road in Menlo Park, California, after his vehicle collided with the center divide wall. Respondent failed field sobriety tests and his blood alcohol level was .16%.

SECOND CAUSE FOR DISCIPLINE

(Using Alcohol in a Dangerous Manner)

12. Respondent is subject to disciplinary action under sections 2761(a) and/or 2762(b) in that on or about August 13, 2009, he was arrested on US-101 near Marsh Road in Menlo Park, California, after his vehicle collided with the center divide wall. Respondent failed field sobriety tests and his blood alcohol level was .16%.

PRAYER

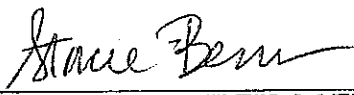
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 704402, issued to Anuncio Luarez Sulla, Jr.;

2. Ordering Anuncio Luarez Sulla, Jr. to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case pursuant to section 125.3 of the Code;

3. Taking such other and further action as deemed necessary and proper.

DATED: 02/10/10

*for*   
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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